

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 NEA-10 ISO-00 CAB-09 CIAE-00 COME-00

DODE-00 EB-11 INR-10 NSAE-00 RSC-01 FAA-00 PM-07 H-03

NSC-10 PA-03 PRS-01 SPC-03 SS-15 USIA-15 ACDA-19

IO-13 DOTE-00 SY-10 USSS-00 A-01 SCA-01 JUSE-00 AF-10

ARA-16 EA-11 OIC-04 DRC-01 /213 W
----- 062353

P R 111637Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC PRIORITY 0683

INFO AMEMBASSY BEIRUT

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY TEL AVIV

AMEMBASSY MOSCOW

AMCONSUL MONTREAL

USUN NEW YORK 1691

UNCLAS ROME 9436

E.O. 11652: N/A

TAGS: ICAO, ETRN

SUBJ: ICAO AIR SECURITY CONFERENCE: ELEVENTH REPORT OF USDEL
TO ASSEMBLY/CONFERENCE- SEPT . 10.

MONTREAL FOR US REP ICAO

PLS PASS TO: LITTELL/CAB; DRISCOLL/DOT; STEWART/FAA

1. CONFERENCE COMMITTEE OF WHOLE SPENT ALL DAY DISCUSSING
SOVIET PROPOSALS FOR PROTOCOL TO HAGUE AND MONTREAL CONVENTIONS,
NICARAGUAN AMENDMENT DEFINING HAGUE AND MONTREAL OFFENDERS AS
QTE COMMON OFFEDENRS UNQUOTE AND MATTERS OF PRINCIPLE PREVIOUSLY
(SENT SEPTTEL) DRAWN UP BY CHAIRMAN. WHEN MTG CONVENED MOK OF
NETHERLANDS, FOR LACK WILLINGNESS ANY OTHER DEL TO INTRODUCE
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PAPER, PRESENTED FOLLOWING UNSPONSORED NEW TEXT FOR PROTOCOL

DRAWN UP BY SMALL QTE INFORMAL UNQTE WORKING GROUP FOR WHICH
MOK SERVED AS QTE INFORMAL UNQTE CHAIRMAN:

BEGIN TEXT. QTE
INTERNATIONAL CONFERENCE ON AIR LAW
DRAFT PROTOCOL TO THE HAGUE AND MONTREAL CONVENTIONS

ARTICLE 1

REPLACE ARTICLE 8, PARAGRAPH 2, OF THE CONVENTION AS FOLLOWS:

(2)
(A) EACH CONTRACTING STATE UNDERTAKES, SUBJECT TO THE PROVISIONS
OF ITS NATIONAL LAW AND ITS PRACTICE, TO GIVE PREFERENCE TO
THE EXTRADITION OF ALLEGED OFFENDERS PRESENT IN THAT STATE,
UPON RECEIPT OF A REQUEST TO EXTRADITE, TO THE STATE OF REGI-
STRATION OF THE AIRCRAFT OR TO ANY OTHER CONTRACTING STATE ENTITLED
TO REQUEST EXTRADITION. THE PROVISION SHALL NOT APPLY WHEN THE
ALLEGED OFFENDER IS A NATIONAL OF THE STATE IN THE TERRITORY
OF WHICH HE IS PRESENT.

(B) IF A CONTRACTING STATE, WHICH MAKES EXTRADITION CONDITIONAL
ON THE EXISTENCE OF A TREATY, RECEIVES A REQUEST FOR EXTRADITION
FROM ANOTHER CONTRACTING STATE WITH WHICH IT HAS NO EXTRADITION
TREATY, THIS CONVENTION SHALL BE THE LEGAL BASIS FOR EXTRADI-
TION IN RESPECT OF THE OFFENCE.

(C) THE PROVISIONS OF SUB-PARAGRAPHS (A) AND (B) OF THIS PARAGRAPH
SHALL NOT AFFECT OBLIGATIONS OF CONTRACTING STATES UNDER ANY
EXTRADITION TREATY. UNQTE. END TEXT. ON BASIS INTERVENTION CHILE,
CHAIR RULED UNSPONSORED TEXT COULD NOT BE OFFICIALLY DISCUSSED
UNTIL DISTRIBUTED IN FOUR LANGUAGES.

2. STATES EXPRESSING VIEWS WERE CAMEROON, NICARAGUA, JAPAN,
BOLIVIA, SRI LANKA, JAMAICA, QATAR, BARBADOS, ALGERIA, AND
SUDAN, ALL OF WHICH HAD PROBLEMS WITH SOVIET PROPOSAL; IRELAND,
POLAND, NETHERLANDS, FRG, RWANDA, GDR AND ISRAEL WHICH FAVORABLE;
SWEDEN AND MEXICO WHICH EXPLAINED THEIR OWN LEGAL SYSTEMS
AND SPAIN WHICH SAID IT WAS CONFUSED BY NEW TEXT. USSR FURTHER
EXPLAINED ITS PROPOSAL.

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3. IN AFTERNOON SESSION AFTER UNITED ARAB EMIRATES INTERVE-
NTION RE ISRAELI DOCUMENT (SEE SEPTTEL), BULGARIA PROPOSED AND
SEVERAL STATES, INCLUDING NETHERLANDS AND ITALY, SUPPORTED
WORKING GROUP TEXT BY NOW ISSUED IN FOUR LANGUAGES. FRANCE
PROPOSED SHORTENING WORKING OF CHAIRMAN'S FIRST PRINCIPLE
(SEE PARA 4) WHICH
WAS ACCEPTED.

4. AFTER A PROCEDURAL DEBATE A ROLL-CALL VOTE, REQUESTED BY USSR, WAS TAKEN ON REVISED QUESTION OF PRINCIPLE WHICH READ QTE SHOULD THERE BE THE INTRODUCTION OF A PRINCIPLE WHICH READ QTE SHOULD THERE BE THE INTRODUCTION OF A PRINCIPLE OF PREFERENCE IN FAVOUR OF EXTRADITION OVER PROSECUTION BY THE AUTHORITIES OF THE REQUESTED STATE, IT BEING UNDERSTOOD THAT THIS PRINCIPLE WOULD LEAVE INTACT THE POSSIBILITY OF APPLICATION OF THE NATIONAL LAW OF THE REQUESTED STATE, BOTH AS REGARDS PROCEDURE AND SUBSTANCE, WITH RESPECT TO THE DECISION CONCERNING THE EXTRADITION REQUESTED? UNQTE (COMMENT: THIS WAS IN ESSENCE A VOTE IN FAVOR OR AGAINST THE SOVIET PROPOSAL. END COMMENT.)
THE VOTE WAS 25(US)-21-39 WITH 15 ABSENCES.

5. THE FOLLOWING WAS VOTE BREAKDOWN:

VOTING FOR : BUGARIA, BRAZIL, BURUNDI, BYELORUSSIAN SSR, CANADA, COLOMBIA, CZECHOSLOVAKIA, ECUADOR, ETHIOPIA, GDR, FRG, GREECE, HUNGARY, IRELAND, ISRAEL, ITALY, NETHERLANDS, PANAMA, POLAND, RWANDA, TURKEY, UKRAINIAN SSR, USSR, US, AND YUGOSLAVIA;

VOTING AGAINST: ALGERIA, ARGENTINA, BARBADOS, BOLIVIA, CAMEROON, GUATEMALA, JAMAICA, JAPAN, KENYA, LIBYA, NICARAGUA, PAKISTAN, QATAR, SAUDI ARABIA, SRI LANKA, SUDAN, TANZANIA, TRINIDAD AND TOBAGO, TUNISIA, UGANDA AND UK;

ABSTAINING WERE: AUSTRALIA, AUSTRIA, BAHRAIN, BELGIUM, CENTRAL AFRICAN REPUBLIC, CHILE, CONGO, DENMARK, EGYPT, FINLAND, FRANCE, GHANA, HONDURAS, INDIA, INDONESIA, IRAQ, KUWAIT, LEBANON, MADAGASCAR, MALI, MALTA, MOROCCO, MAURITIUS, MEXICO, NEW ZEALAND, NIGERIA, NORWAY, PERU, SENEGAL, SIERRA LEONE, SINGAPORE, SPAIN, SWEDEN, SWITZERLAND, SYRIA, UNITED ARAB EMIRATES, URUGUAY, VENEZUELA AND ZAIRE.

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6. PRIOR TO VOTE, SOVIET DEL SPOKE ON QTE BULGARIAN PROPOSAL UNQTE. SVODEL INDICATED THIS PROPOSAL TOOK INTO ACCOUNT VIEWS OF CONFERENCE AND STATED IT WOULD WORK WITH THE PROPOSAL IN WORKING COMMITTEE. SOVDEL DENIED IT INTENDED BY EITHER PROPOSAL TO UPSET THE HAGUE AND MONTREAL MACHINERY AND THAT IT DID NOT INTEND TO CREATE A MULTILATERAL EXTRADITION TREATY.

7. DISCUSSION OF SECOND PRINCIPLE ON THE SOVIET PROPOSAL LED TO EXTENDED DEBATE PRIMARILY ON QUESTION WHETHER PROPOSAL AUTOMATICALLY SERVED AS EXTRADITION TREATY IN CONTRAST TO PRESENT HAGUE ART. 8(2) WHERE SUCH RESULT IS OPTIONAL. BARBADOS LED THIS OBJECTION. LAST REVISED LANGUAGE FOR SECOND QUESTION WAS, QTE SHOULD THE NEW INSTRUMENT CONSTITUTE THE LEGAL BASIS FOR EXTRADITION CONCERNING OFFENCES PROVIDED FOR BY THE HAGUE AND

MONTREAL CONVENTIONS FOR ANY CONTRACTING STATE TO THIS INSTRUMENT WHICH CONDITIONS EXTRADITION UPON THE EXISTENCE OF AN EXTRADITION TREATY. UNQTE FINAL FORMULATIONAND VOTE TO BE COMPLETED FIRST ORDER OF BUSINESS FRIDAY, SEPT. 14, WHEN SOVIET AND GREEK PROPOSALS NEXT SCHEDULED FOR ADISCUSSION (NORDIC/BELGIAN PROPOSALS TO BE DISCUSSED WED.).

8. EB/OA/AVP PLS PASS ATA & ALPA (JACK BAVIS).VOLPE

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